IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

Crl.MC.No. 2495 of 2007()

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CMP.1208/2007 of ADDL.CHIEF JUDICIAL MAGISTRATE COURT, THALASSERY

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PETITIONER: RESPONDENTS

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1. MOHAMMED SIDDIQUE,
   S/O.MOHAMMED KHAN, BARKATH MANZIL,
   KOCHU THANGAL NAGAR, VADAKKEVILA, KOLLAM.

2. SHAHUL HAMEED,
   S/O.KUNJUMOIDEEN SHAH,
   SHAHUL MANZIL, VADAKKEVILA, KOLLAM.

3. SHIYAZ,
   S/O.THAHA KOYA, PANAKKATTIL KIZHAKKETHIL (H),
   KUNHIPUZHACHERRY, KAVANAD P.O., KOLLAM.

BY ADV. SRI.G.BHAGAVAT SINGH

RESPONDENTS: PETITIONER

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DEPUTY SUPERINTENDENT OF POLICE,
IRITTY, REP.BY PUBLI PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI. M.S. BREEZ.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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Crl.M.C.No. 2495 of 2007

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Dated this the 28th day of September, 2007

**O R D E R**

The petitioners, three in number, have come before this Court aggrieved by the direction issued to them by the Investigating Officer in Crime No.39 of 2007 of Panoor Police Station registered, inter alia, under Section 302 I.P.C. relating to the murder of an advocate. The petitioners did not appear and consequently coercive proceedings have been initiated against the petitioners. The learned counsel for the petitioners submits that the petitioners are unable to appear before the Investigating Officer at the place where they are summoned, i.e. Panoor police station, as the petitioners apprehend danger to their lives. The learned counsel for the petitioners submits that the petitioners are willing to appear before the Investigating Officer and co-operate with the investigation, but prays that the petitioners may not be compelled to proceed to Kannur District, where they apprehend danger.

2. The learned Prosecutor submits that the Investigator shall be satisfied if the petitioners would co-operate with the Investigator and make themselves available for interrogation. The request of the petitioners can be accommodated. They may be directed to appear before the Investigating Officer at the Police Club at Kozhikode on any specified date, submits the learned Prosecutor.

3. The learned counsel then submits that the petitioners are unable to go even to Kozhikode as they apprehend danger.

4. Detailed arguments have been heard. The statement of the petitioners were earlier recorded at Kozhikode and I am, in these circumstances, satisfied that the request of the learned Prosecutor can be accepted and the petitioners can be directed to appear before the Investigating Officer at the Police Club, Kozhikode at 11 a.m. on 15.10.2007.

5. This Crl.M.C. is accordingly allowed and the above directions are issued.

6. The learned counsel for the petitioners submits that the Investigating Officer may be directed to afford protection to the petitioners

when they report for such interrogation. The needful shall be done by the Investigating Officer.

6. Hand over copy to the learned Prosecutor.

**(R. BASANT)**
Judge

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